REMARKS

This Response is submitted in reply to the Office Action dated August 19, 2010. Claims 1 to 13 are pending in the present application. Claims 1 to 7, 9 to 11 and 13 are hereby amended for clarity. No new matter has been added by such amendments. Claims 8 and 12 are hereby canceled without prejudice or disclaimer. Claims 1, 7, 9 to 11 and 13 are in independent form. Please charge Deposit Account No. 02-1818 for all payments due in connection with this Response.

The Office Action rejected Claims 8 and 12 under 35 U.S.C. § 101 and stated such claims are directed to non-statutory subject matter. Applicant submits that the cancellation of Claims 8 and 12 render these rejections moot.

The Office Action rejected Claims 9 and 13 under 35 U.S.C. § 101 and stated such claims are directed to non-statutory subject matter. Applicant has amended Claims 9 and 13 and submits that these amendments overcome these rejections.

The Office Action rejected Claims 1 to 13 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,757,240 to Miller, et al. ("Miller"). In view of the amendments made herein, Applicant respectfully disagrees with these rejections.

Miller discloses a matrix switch which allows multiple inputs to be directed to multiple outputs at any time. (Miller, column 13, lines 33 to 35). These inputs can compete for a matrix switch output. (Miller, column 13, lines 35 to 36). In the multi-media matrix switch example of Miller, the primary output of the matrix switch is a data stream that defines an editing project created by a user. (Miller, column 13, lines 50 to 53). When the user of Miller creates the editing project, the user can select from a number of different multimedia clips which can be assembled into a unique presentation. (Miller, column 13, lines 64 to 66).

Column 13, line 66 to column 14, line 22 of Miller discloses:

> Each individual clip represents a source of digital data or a source stream (e.g., multimedia content). Projects can include one or more sources 902. In defining their project, a user can operate on sources in different ways. For example, <u>video sources can have transitions 904 and effects 906 applied on them</u>. A transition object is a way to change between two or

more sources. As discussed above, a transition essentially receives as input, two or more streams, operates on them in some way, and produces a single output stream. An exemplary transition can comprise, for example, fading from one source to another. An effect object can operate on a single source or on a composite of sources. An effect essentially receives a single input stream, operates on it in some way, and produces a single output stream. An exemplary effect can comprise a black-and-white effect in which a video stream that is configured for presentation in color format is rendered into a video stream that is configured for presentation in black and white format. Unlike conventional effect filters, effect object 906 may well perform multiple effect tasks. That is, in accordance with one implementation, an effect object (e.g., 906) may actually perform multiple tasks on the received input stream, wherein said tasks would require multiple effect filters in a conventional filter graph system.

As best understood by the Applicant, it appears that the Office Action would interpret Miller's video sources having applied effects as the first alternate track of Claim 1. Applicant submits that Miller's video sources having applied effects are not used in response to an effect track being unprocessable. That is, Miller does not disclose a memory device storing instructions which when executed by the processor, cause the processor to, in the first block of real data management information, form a first alternate track (interpreted as Miller's video sources having applied effects) including video data equivalent to video data obtained by performing a process according to the effect track, the first alternate track being used in response to the effect track being unprocessable.

On the other hand, the file recording apparatus of Claim 1 includes, among other elements, "a memory device storing instructions which when executed by the processor, cause the processor to, in the first block of real data management information, form a first alternate track including video data equivalent to video data obtained by performing a process according to the effect track, the first alternate track being used in response to the effect track being unprocessable."

For at least these reasons, it is respectfully submitted that independent Claim 1 is patentably distinguished over Miller and in condition for allowance. Dependent Claims 2 to 6 depend either directly or indirectly from amended independent Claim 1 and are also allowable for the reasons given with respect to Claim 1 and because of the additional features recited in these claims.

Independent Claims 7, 9 to 11 and 13 each include certain similar elements to independent Claim 1. For reasons similar to those discussed above with respect to independent Claim 1, independent Claims 7, 9 to 11 and 13 are each patentably distinguished over Miller and in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance, and allowance is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

K&L GATES LLP

BY _____

Patricia Kane Schmidt
Reg. No. 46,446
Customer No. 29175
Phone: (312) 807-4363

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